

## PLAINTIFFS' EXHIBIT 4

Docket# 17-060545DATA Copies 6/7/17  
Atty copies \_\_\_\_\_**SOUTHAMPTON TOWN JUSTICE COURT**  
**ARRAIGNMENT AND DISPOSITION**OFFENSE: \_\_\_\_\_  
DATE: 4/20/17DEF'T: Silva, David TLast, First  
ADDRESS: 405 Middle Gate RdSouthampton NY 11968DOB: 9/17/75 PHONE: \_\_\_\_\_

CHARGES: \_\_\_\_\_

NYCRR-40.1biii- PossessEels Over LimitECL 13-0355- NoFish LicenseNYCRR-40-1bii-Undersize Fish

DEFENSE ATTY: \_\_\_\_\_

ATTY ADDRESS: \_\_\_\_\_

ATTY PHONE: \_\_\_\_\_

LEGAL AID: \_\_\_\_\_ REF'D: \_\_\_\_\_

BAIL: \_\_\_\_\_ REC'D: \_\_\_\_\_

PAID BY: \_\_\_\_\_ REC'T# \_\_\_\_\_

BAIL RETURNED\$ \_\_\_\_\_ DATE \_\_\_\_\_

CHECK# \_\_\_\_\_ TO: \_\_\_\_\_

BAIL APPLIED\$ \_\_\_\_\_ DATE \_\_\_\_\_

BAIL POUNDAGES\$ \_\_\_\_\_ DATE \_\_\_\_\_

CHECK# \_\_\_\_\_ TO: \_\_\_\_\_

SET BAIL: \_\_\_\_\_

COMMITTED: \_\_\_\_\_ ROR: \_\_\_\_\_

PLEA GUILTY: \_\_\_\_\_ PLEA N/G \_\_\_\_\_

LIC SUSP/REVOKED : \_\_\_\_\_

REMARKS: arr 6/7/17 1-

**BF3562370** New York State - Department of Motor Vehicles  
SIMPLIFIED INFORMATION / COMPLAINT POLICE AGENCY  
The People of The State of New York VS. **DEC-PLS**

LAST NAME **Silva, David** FIRST NAME **T** M.I. **T** LOCAL POLICE CODE

NUMBER & STREET ADDRESS **905 Middle Gate Rd** APT. NO.  PHOTO LIC SHOWN

CITY **Shinnecock** STATE **NY** ZIP CODE **11968** OWNER IS OPER **0** LIC CLASS/ID TYPE **0**

I.D. NUMBER **518766495** SEX **M** DATE OF BIRTH (MMDDYY) **091775**

STATE **NY** LICENSE EXPIRES (MMDDYY) **091717** VEH. TYPE  VEH. YR  VEH. MAKE  VEH. COLOR

PLATE #  REG. STATE  REGISTRATION EXPIRES (MMDDYY)

**THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS**

TIME (24hour HHMM) **0630** DATE OF OFFENSE (MMDDYY) **042017**

IN VIOLATION OF: (SECTION AND SUBDIVISION) **40.1 (b)(iii)** TRAFFIC RULES **0** ADMIN CODE **0** PREP. **0** ECL **0**

DESCRIPTION / NARRATIVE **Possessed in excess of limit to wit: 32 wheels over the limit (limit 25)**

PLACE OF OCCURRENCE **Intersect of Taylor's creek just off 450 meadow Ln**

IN THE ☐ City ☒ Town ☐ Village **Southampton** COUNTY OF: **Suffolk** PRECINCT.

COMPLAINANT SIGN AND PRINT NAME/RANK **E. Luzzi / ECO** Affirmed under penalty of perjury.

RADAR OPERATOR NAME (Print)

DATE AFFIRMED **060617** ARREST TYPE **20** OFFICER ID # **620** OFFICER'S COMMAND **1466**

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN THE: ☐ City ☒ Town ☐ Village ☐ Criminal ☐ District

COURT OF: **Southampton Town Court** COUNTY OF: **Suffolk** SUMMONS PART

ADDRESS **32 Jackson Ave**

CITY **Hampton Bays** STATE **NY** ZIP CODE **11946**

☒ RETURN BY MAIL BEFORE, OR IN PERSON ON: **06.07.17** at **09.00 A.M.**

☐ MUST APPEAR IN PERSON ON:

FOR COURT USE ONLY

COURT CODE  JUSTICE CODE  DATE ADJUDICATED  DATE SENTENCE IMPOSED

CHARGE CONVICTED OF: ☐ AS ABOVE ☐ VTL ☐ OTHER  DISPOSITION / SENTENCE  FINE  SURCHARGE

AMT  BAIL FORFEITURE DATE  ☐ LIC ☐ REV ☐ SUSP ☐ MAND ☐ PERM  DAYS MONTHS YEAR



BF3562370



Southampton Town Justice Court

C.C. NUMBER

17-007008

VIOLATION COMPLAINT

ARREST NUMBER(S)

STATE OF NEW YORK }  
 }ss:  
 COUNTY OF Suffolk }

Appearance Ticket # AT60496

The People of the State  
 of New York

DEFENDANTS IN CUSTODY

FROM DATE &amp; HOUR TO DATE AND HOUR

-vs-

David T. Silva (DOB: 09/17/1975)

Defendant(s)

Name  
 (Complainant)

Environmental Conservation Police Officer Evan Laczi,  
 Shield # 620

Of New York State Environmental Conservation  
 Police

205, N. Belle Meade Road, e. Setauket, New York,  
 11733

being duly sworn, says that on or about

April 20th At 450 Meadow LN  
 2017 at 6:30 Southampton, New York  
 AM,

in the Town of Southampton,

County of Suffolk, State of New York, the defendant

David T. Silva 403 Middle Gate Rd. Shinnecock NY 11968

Did wrongfully and unlawfully committed the offense(s) of:

Possessed on the waters of the marine and coastal district, as defined in Environmental Conservation Law (ECL) in  
 excess of the possession limit specified for such species

In violation of 40.1(b)(iii) / 11-1303/ 71-0923  
 Section

Title 6 New York Code of Rules and Regulations (6NYCRR)/ New York  
 State Environmental Conservation Law, (ECL)

In that:

Part 40 Marine Fish

(Statutory authority: Environmental Conservation Law, §§ 11-0303, 13-0340, 11-1303, 13-0329, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-e, 13-0340-f, 13-0341, 13-0343)

Sec. 40.1 Marine fish-open seasons, size and catch limits

(b) General provisions.

(i) It is unlawful for any person to take or possess on the waters of the marine and coastal district, as defined in Environmental Conservation Law (ECL) Section 13-0103, or the shores thereof, or anywhere inland from such shores in the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, and those portions of Westchester County within the marine and coastal district bordering on Long Island Sound, fish of the species listed in Tables A, B or C:

(iii) in excess of the possession limit or trip limit specified for such species, except that where a weekly limit or biweekly limit is specifically authorized by the department pursuant to subdivision (i) of this section, such fish shall not be taken or possessed in excess of the weekly limit or biweekly limit specified for such species.

Sec. 13-0339-a. Atlantic cod (*Gadus morhua*), Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), American eel (*Anguilla rostrata*), Atlantic herring (*Clupea harengus*), American shad (*Alosa sapidissima*), alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), squid (*cephalopoda*), and mickory shad (*Alosa mediocris*).

1. The department may fix, by regulation, measures for the management of the following species:

b. American eel (*Anguilla rostrata*) until December thirty-first, two thousand sixteen,

Sec. 71-0923: Violations.

8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, shall be punishable by imprisonment of not more than fifteen days or by a fine of the greater of two hundred fifty dollars or:

c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections; or by both such fine and imprisonment.

TO WIT:

The defendant, On the above stated date, time and location, possessed 222 American Eels in excess of the possession limit specified for such species (possession limit 25) on his person and another 98 eels in his net. 320 Eels over the limit.

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

SWORN TO BEFORE ME, This 6<sup>th</sup> Day of June 2017.



SIGNATURE OF OFFICIAL ADMINISTERING OATH  
LT. Sean Reilly, Shield # 387



ECO Evan Laczi, Shield #620



BF3562355 New York State - Department of Motor Vehicles  
SIMPLIFIED INFORMATION / COMPLAINT  
The People of The State of New York VS. **DECIDEX**

LAST NAME **Silva** FIRST NAME **David** M.I. **T** POLICE AGENCY **DECIDEX**  
NUMBER & STREET ADDRESS **405 Middle Gate Rd** APT. NO. **0** PHOTO LIC SHOWN ☒  
CITY **Shinnecock** STATE **NY** ZIP CODE **11968** OWNER IS OPER ☒ LIC CLASS/ID TYPE **D**  
I.D. NUMBER **518766495M** SEX **M** DATE OF BIRTH (MMDDYY) **09/17/75**  
STATE **NY** LICENSE EXPIRES (MMDDYY) **09/17/17** VEH. TYPE **0** VEH. YR **0** VEH. MAKE **0** VEH. COLOR **0**  
PLATE # **0** REG. STATE **0** REGISTRATION EXPIRES (MMDDYY) **0**  
THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS  
TIME (24hour HHMM) **0630** DATE OF OFFENSE (MMDDYY) **042017**  
IN VIOLATION OF: (SECTION AND SUBDIVISION) **13-0335** TRAFFIC RULES ☒ ADMIN. CODE ☒ OTHER LAW ☒  
DESCRIPTION / NARRATIVE **did not possess Commercial  
fowl fish license, to wit:  
Used fyke net greater than 40 feet**  
PLACE OF OCCURRENCE **Waters of Taylor's Creek just off  
450 Meadow Ln.**  
IN THE ☒ City ☒ Town ☐ Village COUNTY OF: **Suffolk** PRECINCT: **ECO**  
OF: **Southampton** COMPLAINANT SIGN AND PRINT NAME/RANK **E. Luzzi**  
RADAR OPERATOR NAME (Print) **E. Luzzi**  
DATE AFFIRMED **060617** ARREST TYPE **0** OFFICER ID # **620** OFFICER'S COMMAND **MC6**  
THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN THE: ☐ City ☒ Town ☐ Village ☐ Criminal ☐ District  
COURT OF: **Southampton Town Court** COUNTY OF: **Suffolk**  
ADDRESS **32 Jackson Ave** STATE **NY** ZIP CODE **11946**  
CITY **Hampton Bays**  
RETURN BY MAIL BEFORE, OR IN PERSON ON: **06/07/17** at **09:00 A.M.**  
MUST APPEAR IN PERSON ON: **06/07/17**  
FOR COURT USE ONLY  
COURT CODE **0** JUSTICE CODE **0** DATE ADJUDICATED **06/07/17** DATE SENTENCE IMPOSED **0**  
CHARGE CONVICTED OF: ☐ AS ABOVE ☐ VTL ☐ OTHER **DISPOSITION / SENTENCE** FINE **0** SURCHARGE **0**  
BAIL FORFEITURE DATE **0** LIC ☐ REV ☐ SUSP ☐ MAND ☐ PERM **0** DAYS / MONTHS / YEAR **0**



BF3562355

Southampton Town Justice Court

C.C. NUMBER

17-007008

VIOLATION COMPLAINT

ARREST NUMBER(S)

STATE OF NEW YORK }

Appearance Ticket # AT60496

COUNTY OF Suffolk } ss.

The People of the State  
of New York

DEFENDANTS IN CUSTODY

FROM DATE &amp; HOUR TO DATE AND HOUR

-vs-

David T. Silva (DOB: 09/17/1975)

Defendant(s)

Name  
(Complainant)Environmental Conservation Police Officer Evan  
Laczi, Shield # 620Of New York State Environmental  
Conservation Police205, N. Belle Meade Road, e. Setauket, New York,  
11733

being duly sworn, says that on or about

April 20th  
2017 at 6:30  
AM,At 450 Meadow Ln  
Southampton, New York

, in the Town of Southampton,

County of Suffolk, State of New York, the defendant

David T. Silva 405 Middle Gate Rd. Shinnecock NY 11968

Did wrongfully and unlawfully committed the offense(s) of:

Did not possess a marine commercial food fishing license, when taking of food fish, when setting, maintaining, operating or using a net. Used a Fyke net greater than 40 feet in length, not for recreational use. Net was positioned in the waters of Taylor's Creek, just off 450 Meadow Ln.

In violation of Section 13-0335/71-0923

New York State Environmental Conservation Law, (ECL)



In that:

Sec. 13-0335. Food fish; license; prohibited acts.

1. A person who is domiciled in the state may take and land food fish for commercial purposes, upon obtaining a marine commercial food fishing license, except as prohibited by this chapter, from the waters of the marine and coastal district and may land food fish taken from waters outside New York state boundaries for commercial purposes. For purposes of this section "commercial purposes" shall mean the taking of food fish by any method for subsequent sale, trade or barter or to offer for sale, trade or barter and the taking of food fish when setting, maintaining, operating or using nets, except cast nets, not in excess of twenty feet in diameter, when operated by hand for the purposes of taking only Atlantic menhaden (*Brevoortia tyrannus*) and mullets (*Mugil spp*), for recreational purposes only, seines not larger than thirty feet long or four feet deep or lift nets not larger than sixteen square feet; traps, except bait traps not more than thirty inches in length; combs; pots; or hook and line, except by angling. The fee for such license shall be two hundred fifty dollars, and shall cover all persons employed by the licensee while engaged in such employment of commercial fishing.

Sec. 71-0901. Applicability of title.

In addition to the provisions of sections 71-0101, 71-0301 and title 5 of this article the provisions of this title shall be applicable to the enforcement of articles 11 and 13 of this chapter. This title shall also apply to enforcement undertaken pursuant to the functions, powers, duties and obligations of the Department of Environmental Conservation provided for in section 41-0105.

Sec. 71-0923. Violations.

8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, shall be punishable by imprisonment of not more than fifteen days or by a fine of the greater of two hundred fifty dollars or:

c. for violations involving more than twenty-five fish, shellfish or crustaceans; one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections; or by both such fine and imprisonment.

For purposes of determining the applicable fine pursuant to this subdivision, the number of fish, crustaceans or shellfish shall be the aggregate number involved in the violation, regardless of species.

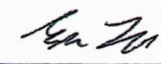
TO WIT:

The defendant, On the above stated date, time and location, was engaged in commercial fishing with a net without a food fish license and took from the net 247 American Eels. The net contained an additional 98 Eels. In total 345 Eels

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

SWORN TO BEFORE ME, This 6<sup>th</sup> Day of June 2017.

  
SIGNATURE OF OFFICIAL ADMINISTERING OATH  
LT. Sean Reilly, Shield # 387

  
ECO Evan Laczi, Shield #620



BF3562366 New York State - Department of Motor Vehicles  
SIMPLIFIED INFORMATION / COMPLAINT The People of The State of New York VS. POLICE AGENCY DEC-022

LAST NAME Silva, David FIRST NAME T M.I.  LOCAL POLICE CODE

NUMBER & STREET ADDRESS 405 Middle Gate Rd APT. NO.  PHOTO LIC SHOWN

CITY Shinnecock STATE NY ZIP CODE 11968 OWNER IS OPER LIC CLASS/ID TYPE P

I.D. NUMBER 518766495 SEX M DATE OF BIRTH (MMDDYY) 091775

STATE NY LICENSE EXPIRES (MMDDYY) 091717 VEH. TYPE  VEH. YR.  VEH. MAKE  VEH. COLOR

PLATE #  REG. STATE  REGISTRATION EXPIRES (MMDDYY)

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

TIME (24hour HHMM) 0630 DATE OF OFFENSE (MMDDYY) 042017

IN VIOLATION OF: (SECTION AND SUBDIVISION) 40.16(ii) TRAFFIC RULES  ADMN CODE  PRHP  ECL

DESCRIPTION / NARRATIVE Posessed a species of a size less than specified to with 27 undersized eels (under 9 inches) NAV. LAW  TAX. LAW  TRANS. LAW  NYCRP TITLE 6

PLACE OF OCCURRENCE waters of Taylor's Creek, just off 480 meadow Ln COL. VEH.  BUS.  HAZ. MAT.  US DOT#

IN THE  City  Town  Village  MAY #  LOCATION CODE

OF: Southampton COUNTY OF: Suffolk PRECINCT:

COMPLAINANT SIGN AND PRINT NAME/RANK E. J. Silacci / ECO

RADAR OPERATOR NAME (Print)

DATE AFFIRMED 06061720 ARREST TYPE  OFFICER ID # 620 OFFICER'S COMMAND MG6

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN THE:  City  Town  Village  Criminal  District

COURT OF: Southampton Town Court Suffolk COUNTY OF: Suffolk SUMMONS PART

ADDRESS 32 Jackson Ave CITY Hampton Bays STATE NY ZIP CODE 11946

RETURN BY MAIL BEFORE, OR IN PERSON ON: 060717 at 0900 A.M.

FOR COURT USE ONLY

COURT CODE  JUSTICE CODE  DATE ADJUDICATED  DATE SENTENCE IMPOSED

CHARGE CONVICTED OF:  AS ABOVE  VTL  OTHER  DISPOSITION / SENTENCE  FINE  SURCHARGE

BAIL FORFEITURE  DATE  LIC  REV  SUSP  MAND  PERM  DAYS / MONTHS / YEAR



BF3562366

Southampton Town Justice Court

C.C. NUMBER

17-007008

VIOLATION COMPLAINT

ARREST NUMBER(S)

STATE OF NEW YORK }  
 )ss:  
 COUNTY OF Suffolk }

Appearance Ticket # AT60496

The People of the State  
 of New York

DEFENDANTS IN CUSTODY

FROM DATE &amp; HOUR TO DATE AND HOUR

-vs-

David T. Silva (DOB: 09/17/1975)

Defendant(s)

Name  
 (Complainant)

Environmental Conservation Police Officer Evan Laczi,  
 Shield # 620

Of New York State Environmental Conservation  
 Police

205, N. Belle Meade Road, e. Setauket, New York,  
 11733

being duly sworn, says that on or about

April 20th  
 2017 at 6:30  
 AM,

At 450 Meadow LN  
 Southampton, New York

, in the Town of Southampton,

County of Suffolk, State of New York, the defendant

David T. Silva 405 Middle Gate Rd. Shinnecock NY 11966

Did wrongfully and unlawfully committed the offense(s) of:

Possessed on the waters of the marine and coastal district, as defined in Environmental Conservation Law (ECL) a  
 species of a size less than that specified for such species.

In violation of 40.1(b)(ii) / 11-1303/ 71-0923  
 Section

Title 6 New York Code of Rules and Regulations (6NYCRR)/ New York  
 State Environmental Conservation Law, (ECL)



In that:

Part 40 Marine Fish

(Statutory authority: Environmental Conservation Law, §§ 11-0303, 13-0340, 11-1303, 13-0329, 13-0340-a, 13-0340-b, 13-0340-c, 13-0340-e, 13-0340-f, 13-0341, 13-0343)

Sec. 40.1 Marine fish-open seasons, size and catch limits

(b) General provisions.

(i) It is unlawful for any person to take or possess on the waters of the marine and coastal district, as defined in Environmental Conservation Law (ECL) Section 13-0103, or the shores thereof, or anywhere inland from such shores in the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, and those portions of Westchester County within the marine and coastal district bordering on Long Island Sound, fish of the species listed in Tables A, B or C:

(ii) of a size less than that specified for such species or outside of any slot size limit specified for such species

Sec. 13-0339-a. Atlantic cod (*Gadus morhua*), Atlantic sturgeon (*Acipenser oxyrinchus*), shortnose sturgeon (*Acipenser brevirostrum*), American eel (*Anguilla rostrata*), Atlantic herring (*Clupea harengus*), American shad (*Alosa sapidissima*), alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), squid (*cephalopoda*), and hickory shad (*Alosa mediocris*).

1. The department may fix, by regulation, measures for the management of the following species:

b. American eel (*Anguilla rostrata*) until December thirty-first, two thousand sixteen,

Sec. 71-0923. Violations.

8. Any violation of sections 13-0329, 13-0330, 13-0331, 13-0333, 13-0334, 13-0335, subdivision one of section 13-0337, 13-0338, 13-0339, 13-0339-a, 13-0340, 13-0340-a through 13-0340-g, 13-0341, 13-0342, 13-0343, 13-0347, and 13-0349 of this chapter, or of any regulation adopted pursuant to the foregoing sections, shall be punishable by imprisonment of not more than fifteen days or by a fine of the greater of two hundred fifty dollars or:

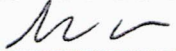
c. for violations involving more than twenty-five fish, shellfish or crustaceans, one hundred dollars for each fish, shellfish or crustacean taken or possessed in violation of the above sections, or by both such fine and imprisonment.

TO WIT:

The defendant, On the above stated date, time and location, possessed 247 American Eels of a size less than that specified for such species (Under 9 inches)

NOTICE: False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

SWORN TO BEFORE ME, This 6<sup>th</sup> Day of June 2017.

  
SIGNATURE OF OFFICIAL ADMINISTERING OATH  
LT. Sean Reilly, Shield # 387

  
ECO Evan Laczi, Shield #620

Photo Log 4.20.17 CFS 17-007008

- 1- 450 Meadow Ln
- 2- Tax map 450 Meadow Ln
- 3- Fyke net in water
- 4- Silva ID
- 5- Bucket containing elvers
- 6- Another Bucket
- 7- Dip net in back seat
- 8- Dip net that was seized
- 9- Large dip net from back of car, also seized had dried eels
- 10- Scale 1
- 11- Scale 2 with weight
- 12- Scale 3 with container
- 13- Scale 4 with eels in container
- 14- Eels close-up
- 15- Eels taken from bucket
- 16- Seized gear, 2 buckets, large dip net, small dip net
- 17- Seized Fyke net 46'
- 18- Scale 1 with weight
- 19- Scale 2 with bag
- 20- Scale 3 with elvers